

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-17348 of 2013 (O&M)
Date of decision: January 19, 2016

Manmohan Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vijay Rana, Advocate for the petitioner.
Mr. Ankur Jain, AAG, Punjab.

Rajan Gupta, J.

This is a petition under section 482 Cr.P.C. seeking quashing of FIR No.166 dated 5.12.2006, registered against the petitioner under sections 420, 427, 448, 120-B IPC at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner submits that neither petitioner is not named in the FIR nor any such allegations are there against him. FIR against the petitioner is abuse of process of law. Moreover, there is inordinate delay in lodging the FIR. Thus, same deserves to be quashed.

Learned State counsel has opposed the plea. According to him, petitioner and other co-accused were found to have committed the offences in the enquiry conducted by the Superintendent of Police (H) Hoshiarpur as well as Dy. Superintendent of Police, Sub Division Mukerian. He submits that two prosecution witnesses have already been

examined and the issue can be decided only after evidence is led before the trial court.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was registered on the complaint of Jasbir Singh on the allegations of fraud and forgery. It appears, on receipt of application from the complainant, Senior Superintendent of Police, Hoshiarpur marked the same to Dy. Superintendent of Police, Sub Division Mukerian. He conducted an enquiry and recommended that a case be registered after obtaining opinion from the District Attorney. Thereafter, Senior Superintendent of Police, Hoshiarpur ordered registration of a case. Investigation ensued. After completion of investigation, challan was present before the court and two prosecution witnesses have already been examined. I am of the considered view that all the pleas of the petitioner can be considered only after evidence is led before the trial court. It is not possible for this court at this stage to arrive at a conclusion that offences as alleged in the FIR, are not made out. It is also not possible for this court to conclude at this stage that the petitioner has been falsely implicated in the case. No case for interference in inherent jurisdiction of this court is made out.

Dismissed.

(RAJAN GUPTA)
JUDGE

January 19, 2016
'Rajpal'